

SUMMARY TRIALS FOR THEFT.

A correspondent called attention in our last issue to a recent decision of the First Appellate Division of the Supreme Court of Ontario in the case of *Rez v. Sinclair*, which, if it be a correct exposition of the law, indicates that on the point in question it is in a truly deplorable condition. In cases of theft of less than \$10, a Police Magistrate of a city of over 25,000 inhabitants has an absolute authority to try and convict the accused under sec. 777 (5) of the Cr. Code; and may inflict a punishment of fourteen years imprisonment, see Cr. Code, sub-secs. 355, 358, 359. In such a case it is held by the Court the convict cannot move to quash the conviction nor has he any right of appeal; and if he does move to quash and his motion is refused by a single Judge, there is no right of appeal from his decision. The Court holds that in such cases the Summary Convictions clauses of the Cr. Code do not apply; we presume because it considers a magistrate acting under sec. 777 (5) of the Code as amended by 8-9 Ed. 7, ch. 9, ceases to be an ordinary magistrate, and becomes a Judge from whose decision the only remedy would be by way of appeal, and not by motion to quash, and that the Code had given no right of appeal in such cases.

According to this decision the judgment of a Police Magistrate given under sec. 777 (5) is absolutely final and conclusive, and a man may have to suffer under an erroneous conviction fourteen years imprisonment without any redress, except by appeal to His Majesty in His Privy Council. Whereas if he has a \$100 claim in a Division Court he may take an appeal to the Supreme Court of Ontario. It seems to us the case has only to be stated to shew the absolute absurdity of the law on this point and the need for its immediate amendment. As it at present stands, as expounded by the Appellate Division, it seems to involve a very serious blow against the liberty of the subject.